

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

In re	)	
	)	
PAUL FRANCIS,	)	
	)	CHAPTER 7
	)	CASE NO. 17-12708-FJB
Debtor.	)	
	)	
JOHN O. DESMOND, CHAPTER 7	)	
TRUSTEE FOR THE ESTATE OF	)	
PAUL FRANCIS,	)	
	)	ADVERSARY PROCEEDING
Plaintiff	)	NO. 18-01041-FJB
v.	)	
	)	
RUTH FRANCIS,	)	
	)	
Defendant.	)	
	)	

**MOTION FOR ENTRY OF JUDGMENT**

The plaintiff, John O. Desmond, the duly appointed Chapter 7 Trustee of the bankruptcy estate of Paul Francis (the “Plaintiff” or “Trustee”), hereby moves for the formal entry of judgment in favor of the Trustee, that grants the Trustee authorization pursuant to Section 363(h) of the Bankruptcy Code to sell the Paul Francis (the “Debtor”) and Ruth Francis’ (the “Defendant”) interest in their income producing property, known and numbered as 156 Norfolk Street, Boston Massachusetts and all improvements thereon (the “Subject Real Estate”). In further support the Trustee states as follows:

1. On April 10, 2018, the Trustee filed an adversary complaint against Ruth Francis (the “Defendant”) pursuant to Section 363(h) of the Bankruptcy Code (the “Adversary

Complaint”) and seeking to sell both the Debtor and the Defendant’s interest in the Subject Real Estate. Adversary Proceeding 18-01041-FJB (“Adv. Pro.”) Docket No. 1.

2. On July 10, 2018, the Trustee filed a Motion for Summary Judgment. Adv. Pro. Docket No. 21.

3. On August 28, 2018, the Court held a hearing on the Trustee’s Motion for Summary Judgment (the “Hearing”). Adv. Pro. Docket No. 36.

4. After hearing argument from both parties, the Court indicated that it would allow the Trustee’s Motion for Summary Judgment and issue appropriate findings consistent therewith. See Audio File at 38:50, Adv. Pro. Docket No. 36

5. The Subject Real Estate consists of a distressed income producing two-family rental property. See Bankr. Docket No. 15.

6. To date, the co-owner Defendant and the Debtor have not provided any rental income from the Subject Real Estate to the Trustee.

7. The Subject Real Estate may be the only asset in the Debtor’s estate with equity available for payment to creditors.

WHEREFORE, the Trustee requests that the Court enter judgment authorizing the Trustee to sell both the Debtor’s interest and the Defendant’s interest in the Subject Real Estate located at 156 Norfolk Street, Boston, Massachusetts, pursuant to 11 U.S.C. § 363(h) as requested in the Trustee’s Motion for Summary Judgment filed on July 10, 2018.

Respectfully submitted,

**JOHN O. DESMOND, CHAPTER 7 TRUSTEE  
OF THE ESTATE OF PAUL FRANCIS**

By his attorneys,

/s/ Anthony R. Leone  
Thomas S. Vangel – BBO #552386  
Anthony R. Leone - BBO #681760  
Murtha Cullina LLP  
99 High Street  
Boston, MA 02110-2320  
Telephone: 617.457.4000  
Facsimile: 617.482.3868  
tvangel@murthalaw.com  
aleone@murthalaw.com

Dated: January 8, 2019

**CERTIFICATE OF SERVICE**

I, Anthony R. Leone, hereby certify that this document was filed through the Court's ECF System and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Anthony R. Leone